

B9I (Official Form 9I) (Chapter 13 Case) (12/12)

Case Number 13-31894-5-mcr

**UNITED STATES BANKRUPTCY COURT for the NORTHERN DISTRICT OF NEW YORK**

**Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines**

The debtor(s) listed below filed a chapter 13 bankruptcy case on 10/29/13 .  
You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights.  
All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the  
bankruptcy clerk's office cannot give legal advice.

**Creditors -- Do not file this notice in connection with any proof of claim you submit to the court.**

**See Reverse Side For Important Explanations**

**A proof of claim can be obtained from the Court's website at [www.nynb.uscourts.gov](http://www.nynb.uscourts.gov).**

**A proof of claim may also be filed electronically on the Court's website.**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Dennis Wynn Heverly  
266 McLean Road  
Cortland, NY 13045

Annette Marie Heverly  
266 McLean Road  
Cortland, NY 13045

Case Number:  
13-31894-5-mcr

Social Security/Taxpayer ID/Employer ID/Other Nos.:  
xxx-xx-1483  
xxx-xx-9993

Attorney for Debtor(s) (name and address):

Russell S. Simonetta  
Simonetta & Associates, P.C.  
State Tower Building  
109 South Warren Street, Suite 512  
Syracuse, NY 13202  
Telephone number: (315)472-3328

Bankruptcy Trustee (name and address):

Mark W. Swimelar-Trustee  
250 South Clinton Street  
Suite 203  
Syracuse, NY 13202  
Telephone number: (315) 471-1499

**Meeting of Creditors**

Date: **December 16, 2013**

Time: **12:30 PM**

Location: **James M. Hanley Courthouse, 100 S. Clinton Street,  
Room 207, Syracuse, NY 13261**

**Filing of Plan and Hearing on Confirmation of Plan**

The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held:

Date: **1/28/14**, Time: **02:00 PM**, Location: **James H. Hanley Courthouse, 100 S. Clinton St., Second Floor, Syracuse, NY 13261**

**Deadlines:**

Papers must be received by the Bankruptcy Clerk's Office on or before the following deadlines:

**Deadline to File an Objection to Confirmation of Plan:**

Any objection to confirmation of the plan must be filed with the court and served upon the debtor, debtor's attorney, U.S. trustee, and chapter 13 trustee no later than 7 days prior to the hearing on confirmation. Any party that objects to the plan must appear at the hearing on confirmation, as well as the debtor's attorney. *If no written objection is filed, no hearing will be held on the scheduled hearing date, and the chapter 13 trustee shall submit an order of confirmation.* See L.B.R. 3015-2.

**Deadline to File a Proof of Claim:**

For all creditors (except a governmental unit): **3/17/14**

For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002 (c)(1)): **4/28/14**

**Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 2/14/14**

**Deadline to Object to Exemptions:** Thirty (30) days after the meeting of creditors is concluded or within thirty (30) days after any amendment to the list or supplemental schedules is filed, whichever is later.

**Deadline to File a Certificate of Completion of the Post-filing Personal Financial Management Course (Official Form 23):** Not later than the date when the last payment is made by the debtor as required by the plan or the filing of a motion for a discharge under 11 U.S.C. § 1328(b). See Fed. R. Bankr. P. 1007(c).

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

James M. Hanley Federal Building  
100 South Clinton Street, Room 315  
P.O. Box 7008  
Syracuse, NY 13261-7008  
Telephone number: (315) 295-1600

**For the Court:**



Kim F. Lefebvre  
Clerk of the Bankruptcy Court

Hours Open: Monday – Friday 9:00 AM – 4:00 PM

Date: 10/29/13

## EXPLANATIONS

B9I (Official Form 9I) (12/12)

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.
Appointment of Trustee	The United States Trustee pursuant to Title 28, United States Code, Section 586(b) has appointed a standing trustee to administer chapter 13 cases and Mark W. Swimelar—Trustee has been assigned to serve in this case pursuant to Title 11, United States Code, Section 1302(a). The trustee shall be deemed to have accepted the appointment and shall serve under his/her blanket bond, unless the trustee notifies the U.S. Trustee and the Court in writing of the rejection of the appointment within seven (7) days of receipt of this notice. 11 U.S.C. Section 322, FRBP 2008. Guy A. VanBaalen, Assistant U.S. Trustee. Additional information can be found at the United States Trustee's website at <a href="http://www.usdoj.gov/ust/r02">http://www.usdoj.gov/ust/r02</a> .
Creditor with a Foreign Address	<b><i>If this notice is sent to a creditor at a foreign address, such creditor should read the information under "Claims" below.</i></b>
Claims	A Proof of Claim is a signed statement describing a creditor's claim. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. A Proof of Claim form can be obtained from the Court's website at <a href="http://www.nynb.uscourts.gov">www.nynb.uscourts.gov</a> . A Proof of Claim may also be filed electronically on the Court's website. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to a discharge under Bankruptcy Code § 1328(f), you must file a motion objecting to discharge in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2) or (4), you must file a complaint in the bankruptcy clerk's office by the same deadline. The bankruptcy clerk's office must receive the motion or the complaint and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.
IMPORTANT NOTICE TO DEBTORS:	All debtors MUST provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.
Personal Financial Management Course	Completion of the <b>post-filing</b> Personal Financial Management Course is a prerequisite to receipt of a discharge. See Fed. R. Bankr. P. 1007(c) for the deadline.
Refer to Other Side for Important Deadlines and Notices	